

ATTACHMENT 14



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VIA ELECTRONIC MAIL

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RE: *FTC v. Amazon.com, Inc., et al.*, No. 2:23-cv-0932-JHC (W.D. Wash.)

Dear Counsel:

We write regarding Amazon's upcoming data production in response to the FTC's Document Requests 55, 56, 60, 67, 68, 69, 70, and 73. Specifically, we want to address Amazon's response to the FTC's March 15 letter seeking additional information and clarifications about the data sample Amazon has provided to preview its responses.¹

As we noted during the parties' conference on April 2, we need the requested information to evaluate whether Amazon's proposed data production will sufficiently respond to the above

¹ See Exhibit A to March 8, 2024 Letter from L. Flahive Wu; March 22, 2024 Letter from L. Flahive Wu.

Requests, and to ensure the full dataset will not contain errors or present other issues requiring re-production. During our call, you stated the FTC may find answers to some of its questions in the complete data dictionary Amazon intends to produce with the full dataset. For other questions, you stated the FTC must pursue formal discovery avenues, such as depositions. Although the FTC may seek such discovery after it receives the production, we are attempting to resolve potential issues ahead of the production to avoid the need for re-production and corresponding delay. However, we understand Amazon does not currently intend to provide further answers.

Our March 15 letter also listed several categories of data we were unable to locate in Amazon's data sample. As to these categories, we asked Amazon to either confirm it does not have responsive data or explain Amazon's basis for withholding the responsive data. *See* Mar. 15, 2024 Letter from S. Chaudhry at 2. Below, we summarize the parties' discussion as to these items on April 2. Please confirm that these understandings are correct.²

1. Chargeback information (*see* Document Requests 55.h, 56.d, 60.j, 60.k).

- [REDACTED]

2. Dates on which Prime members contacted customer service to request cancellation, the duration of these interactions, and any cancellation reasons provided (*see* Document Requests 55.p, 55.r, 55.u).

- [REDACTED]

3. Dates on which Amazon customer service representatives directed Prime members to the online Prime Cancellation Process (*see* Document Request 56.h).

- [REDACTED]

4. Manner of resolution of calls that did not result in cancellation (*see* Document Request 56.j).

- [REDACTED]

² In addition to the items listed below, we discussed the FTC's Document Request 77. We will follow-up on that request separately.

5. Dates on which Prime members visited the Amazon “mShop” App or Kindle App after enrolling in Prime (*see* Document Request 55.n, 60.p, 68.q).

- [REDACTED]

6. Dates and times relating to Amazon.com visits during which Prime members cancelled their memberships (*see* Document Request 56.n).

- [REDACTED]

7. Dates and “SICs” or “reason codes” associated with all customer service contacts (*see* Document Request 55.k).

- [REDACTED]

8. Volume and percentage of customer service contacts relating to each “SIC” or “reason code” (*see* Document Request 73).

- The parties did not discuss this request on the call, but we addressed it further in our email dated April 3. [REDACTED]

9. Data related to the surveys described in Appendix 4 to AMZN_00080322 (Document Requests 67, 68).

- [REDACTED]

10. Concessions Amazon paid to Prime members and associated reasons (*see* Document Requests 55.i, 56.e, 60.k, 68.l)

- [REDACTED]

[REDACTED]

11. Please confirm that Amazon will produce all survey responses sought in Document Request 70.

- [REDACTED]

To the extent Amazon does not produce data that fully responds to the FTC's Document Requests, we again ask that Amazon confirm it does not have responsive data or explain its basis for withholding the responsive data. Further, please let us know when you anticipate producing the full dataset, and the format and estimated size of the data production.

Finally, as you know, the FTC's Document Requests seek name and contact information (address, email address, and phone number) regarding certain Prime members. *See* Document Requests 55.a, 56.a, 60.a, 68.a. In response, Amazon has asserted overbreadth, undue burden, and relevance objections, and refused to produce responsive data due to concerns about consumers' personal privacy. *See, e.g.*, Nov. 10, 2023 Letter from L. Kim at 5-6. We have previously explained why Amazon's objections and concerns are without merit. *See, e.g.*, Dec. 6, 2023 Letter from E. Mendelson at 5-6. Although we continue to disagree with Amazon's position, we understand Amazon will not be providing consumers' names and contact information in the forthcoming data production. We reserve all rights to seek this data and ask Amazon to ensure it will not be deleted, destroyed, or otherwise disposed of prior to any redress administration in this case.

We are available to discuss any of the above matters.

Sincerely,

/s/ Sana Chaudhry
Counsel to the Federal Trade Commission